

MAINE STATE HARNESS RACING COMMISSION

MINUTES OF MEETING

May 22, 2015

Gambling Control Board Conference Room

Department of Public Safety Building

45 Commerce Drive, Augusta, Maine

Commission Members Present: Barbara Dresser, Chair, Gary Reed and William McFarland.

Commissioners Absent: Dirk Duncan.

Staff Members Present: Ron Guay, AAG, Henry Jackson, Josh Panek and Carol Gauthier.

Commissioner Reed made a motion to approve the January 8, 2015 minutes. Commissioner McFarland seconded. Vote 3-0.

ADJUDICATORY HEARINGS:

Commissioner Dresser asked Mr. Jackson in what order we should handle the hearings. Mr. Jackson stated that Mr. Vafiades appeal hearing would be continued to the June meeting to give Mr. Jackson time to prepare for the case.

Mr. Jackson also stated that Mr. Hitchcock has withdrawn his appeal so that matter is dead. He stated that Items 5 and 6 regarding Mr. Hiscock will not be heard because Mr. Hiscock has asked to have his horse taken to a quarantined center to be tested for a high level of TC02 testing horse.

1. Assistant Attorney General Guay as hearing office. Patricia Switzer was present. Mr. Howard was present and represented William Phipps of Gray, Maine. Assistant Attorney Guay qualified the Commissioners. None of the Commission members had any personal knowledge or relationship with the alleged violation and no issue of fairness. Mr. Jackson presented Exhibit 1, Letter from Mr. Howard; Exhibit 2, Notice of Hearing. Mr. Howard has filed a complaint against Ms. Switzer for defaulting on a Court Judgment issued by Small Claims Court of Portland, Maine on July 29, 2010. Ms. Switzer is charged with a violation of Commission Rules Chapter 1 Section 10 subsection 1-A, Financial Responsibility.

After deliberation, Commissioner Reed made a motion to find that there was a violation of the financial responsibility of the rules based on the default judgment of the court and the finding of law that the debt being unrelated to harness racing is not a defense to the rule. Commissioner McFarland seconded. Vote 3-0.

Commissioner Dresser made a motion to suspend Ms. Switzer's license with that suspension to take effect upon their approval of the Decision and Order at the next meeting until satisfaction of the underlying obligation has been met. Commissioner McFarland seconded. Vote 3-0.

2. Assistant Attorney General Guay as hearing office. Marissa Tyler was present. Ms. Tyler is alleged to have violated MSHRC Rules Chapter 11 Section 1. Ms. Tyler is trainer of record of "P H Thunder". A blood sample obtained from P H Thunder following the Second (2nd) Qualifying Race on April 1, 2015 at Scarborough Downs disclosed the presence of Clenbuterol, a Class III Drug, and Methocarbamol, a Class IV Drug.

After deliberation, Commissioner McFarland made motion to suspend Ms. Tyler's license for 90 days with all but 30 days suspended, a \$500 fine and the horse suspended for 30 days with all days suspended. Commissioner Reed seconded. Vote 3-0.

After the vote, Ms. Tyler asked for a stay. Commissioner Dresser asked for a motion to deny the stay. Commissioner McFarland moved to deny the request for a stay. Commissioner Reed seconded. Vote 3-0.

UNFINISHED BUSINESS:

1. Donna Sprague is petitioning the Commission to review the penalty imposed in the Consent Agreement between the Commission and Ms. Sprague. Mr. Jackson stated to the Commission that he recommends a letter be sent out to Ms. Sprague telling her the matter is at rest. Commissioner Dresser agreed with Mr. Jackson's recommendation.

NEW BUSINESS:

1. Commissioner Dresser stated that we would discuss with Scarborough Downs Management regarding plans for making up lost days and future plans for racing dates assigned. Steve Cobbett representing Scarborough Downs stated that their plans are to make up the 7 days that have been lost. Commissioner Dresser asked what the make up dates were. Mr. Cobbett stated that he could only commit to a condition sheet because of the horse supply. Commissioner Dresser asked for the dates. Mr. Cobbett stated that they were August 6, 10 and 24; September 10; October 15, 26 and 29; November 11, 23 and 30.
Gary Mosher stated that the short fields do not matter. It is the purses. The purses need to be better.
Jason Gravel, MHHA, stated that the horse supply will correct itself. They got a late start because of the weather.
Steve Cobbett stated that for the first time in many years he is seeing people stay to the end of the race card. He believes it has to do with the advertisement.
Michael Timmons agreed with what Mr. Mosher said. If any money was left over in the purse account from last year, why couldn't that be used to increase the purses when you starting racing this year. Horsemen need to know if the purses are going to increase to know where they are going to race their horses. People want to race.
Michael Sweeney stated that maybe they could put forth some legislation to change the race card to 7 verses 8 race card.
Mr. Jackson stated that this would not be a good time to put together any legislation because it would be setting the wrong message to the Legislature as to why you needed another casino.

REPORTS:

1. Commissioner Dresser asked Mr. Jackson for his executive director report. Mr. Jackson stated that Chapter 17 has been signed and the effective date was May 18, 2015. Chapter 11 and 9 are at the Governor's office for approval. Out of competition testing will resume in June. He also stated that the base purse needs to be established 30 days prior to the first stakes race of 2015 calendar year. Commissioner McFarland asked Mr. Jackson what was happening with Chapter 21. Mr. Jackson stated that he and Assistant Attorney General Guay are still working on that.

OTHER BUSINESS:

1. None.

PUBLIC COMMENT:

Mr. Gravel, MHHA, asked Mr. Jackson if Chapter 17 is available on the website. Mr. Jackson stated that the Secretary of State puts them on the website.

Ms. Perkins presented a handout on cobalt. She stated that 2 states have adopted it. She also stated that the yearling nominations for this year are 83 which is very low and that scares her.

EXECUTIVE SESSION:

None.

The meeting adjourned at 1:40 p.m.

Respectfully submitted by:

Henry W. Jackson

Executive Director